

Message Text

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ACTION SS-25

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 0201

S E C R E T BUENOS AIRES 1566

EXDIS

E.O. 11652: XGDS2

TAGS: PINS, ASEC, AR

SUBJECT: GOA RELEASE OF TERRORIST SERGIO SCHNEIDER

REF: STATE 049336

1. WHAT FOLLOWS ARE EXCERPTS FROM A MEMCON BETWEEN AMBASSADOR HILL AND FEDERAL POLICE CHIEF MARGARIDE (ENTIRE MEMCON BEING POUCHED), AND FULL TEXT OF A REPORT BY THE LEGAL ATTACHE ON THE SCHNEIDER CASE.

2. AMBASSADOR IS CALLING ON ACTING UNDERSECRETARY MOLINA SALAS AFTERNOON OF MARCH 6 WITH REGARD TO THIS MATTER AS INSTRUCTED IN REFTEL.

3. EXCERPTS FROM MEMCON: QUOTE SUBJECT MEETING TOOK PLACE BETWEEN 1130 - 1225 HOURS, 4 MARCH 1975. AFTER INTRODUCTIONS WERE MADE, COMISARIO MARGARIDE EXPRESSED HIS SINCERE CONDOLENCES TO THE AMBASSADOR ON THE ASSASSINATION OF MR. EGAN. AFTER MARGARIDE EXPRESSED HIS CONDOLENCES, THE AMBASSADOR INTRODUCED HIM TO OTHER PARTICIPANTS OF THE MEETING AND WE SAT DOWN AND BEGAN THE DISCUSSION.

THE AMBASSADOR ASKED MARGARIDE IF HE KNEW WHETHER THE JUDGE OF THE BUENOS AIRES PROVINCE SUPREME COURT HAD BEEN RELEASED. MARGARIDE SAID THAT HE HAD NO INFORMATION ON THAT AT THE PRESENT TIME. THE AMBASSADOR POINTED OUT THERE MIGHT BE CONCERN BECAUSE THERE WAS NO GOVERNMENT SUPPORT ON PROVIDING AN EXPLANATION TO MEET THE MONTONEROS'

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DEMAND IN THE EGAN CASE BUT ALMOST CONCURRENTLY WITH THAT,

SCHNEIDER WAS RELEASED IN EXCHANGE FOR THE JUDGE. AT THIS MARGARIDE GAVE A LONG EXPLANATION OF THE REASON. UNDER THE STATE OF SIEGE A JUDGE HAS THE CONSTITUTIONAL AUTHORITY TO RELEASE A PRISONER CONSIDERED DANGEROUS TO THE SECURITY OF THE STATE IF THAT PRISONER VOLUNTARILY DEPARTS FOR A FOREIGN COUNTRY. MARGARIDE STATED THAT NEITHER THE POLICE NOR THE EXECUTIVE BRANCH WANTED SCHNEIDER RELEASED; THAT SCHNEIDER WAS A KNOWN CRIMINAL, A TERRORIST AND HAD BEEN ACCUSED OF KILLING A POLICEMAN. HOWEVER, UNDER THE EXISTING LAW THE JUDGE COULD RELEASE HIM. IN THE CASE OF SCHNEIDER THERE ALMOST SEEMS TO BE CONSIDERABLE INTRIGUE IN THE JUDICIAL BRANCH ON THIS, SUBJECTING IT TO SPECIAL INTEREST IN THAT ONE OF THEIR OWN WAS KIDNAPPED. UNQUOTE

4. TEXT OF LEGATT REPORT: QUOTE ON 3/5/75, AN OFFICIAL OF THE FEDERAL POLICE OF ARGENTINA (FPA), ASSIGNED TO THE DEPARTMENT OF FEDERAL SECURITY, PROVIDED THE FOLLOWING INFORMATION: ON 2/24/75 SERGIO SCHNEIDER WAS PICKED UP BY FPA DEPARTMENT OF FEDERAL SECURITY OFFICERS ASSIGNED TO THE DIVISION DE SUMARIOS (FORMERLY DIPA) AND TAKEN TO A SAFE HOUSE IN BUENOS AIRES PROVINCE. SCHNEIDER WAS NOT LEGALLY DETAINED AND NOT HELD UNDER THE TERMS OF THE EXECUTIVE POWER. SCHNEIDER HAD PREVIOUSLY BEEN IDENTIFIED AS THE MURDERER OF FPA COMISARIO INSPECTOR SANDOVAL, AND WAS PICKED UP FOR THE PURPOSE OF EXTRA-LEGAL INTERROGATION WITH THE ULTIMATE VIEW OF ELIMINATING HIM.

DURING THE MORNING OF 2/28/75, COMISARIO MAYOR EDUARDO PEDRO RAMIREZ, A RANKING OFFICIAL IN THE FPA FEDERAL SECURITY, RECEIVED A TELEPHONE CALL FROM FPA CHIEF LUIS MARGARIDE INSTRUCTING RAMIREZ TO PRODUCE SCHNEIDER, IN ORDER THAT HE MIGHT BE DELIVERED TO AN UN-DISCLOSED FOREIGN COUNTRY BY PRIVATE AIRCRAFT PRIOR TO THE EVENING OF 2/28/75. WHEN RAMIREZ QUESTIONED MARGARIDE AS TO THE PURPOSE OF DELIVERING SCHNEIDER, MARGARIDE INFORMED HIM THAT HE HAD JUST RECEIVED A TELEPHONE CALL FROM THE MINISTER OF THE INTERIOR INSTRUCTING THE FPA TO GIVE UP SCHNEIDER AND TO FILL OUT A BLANK DECREE INDICATING THAT SCHNEIDER HAD BEEN DETAINED THE PREVIOUS WEEK BY THE ORDER OF THE EXECUTIVE POWER; THAT HE HAD OPTED TO LEAVE THE COUNTRY AND HAD DEPARTED A WEEK EARLIER. RAMIREZ WAS TOLD

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BY MARGARIDE THAT SCHNEIDER WAS TO BE EXCHANGED FOR JUDGE ANZOARREGUI, AND THAT IT WAS VITAL THAT GOVERNMENT RECORDS INDICATE HE HAD BEEN DETAINED AND DEPARTED THE COUNTRY THE PREVIOUS WEEK.

IT SHOULD BE NOTED THAT IT IS COMMON PRACTICE AMONG FPA DEPARTMENT OF FEDERAL SECURITY OFFICIALS TO RETAIN BLANK DECREES FOR DETENTIONS UNDER THE EXECUTIVE POWER AND TO FILL IN THE NECESSARY DATA WHEN REQUIRED,

EVEN THOUGH A SUBJECT MAY HAVE BEEN DETAINED FOR A
CONSIDERABLE PERIOD OF TIME.

RAMIREZ WAS SO INCENSED AT MARGARIDE'S ORDERS, THAT
HE HAD TO TAKE SEVERAL TRANQUILIZERS TO CALM HIM DOWN.
SEVERAL OTHER DEPARTMENT OF FEDERAL SECURITY OFFICERS
TALKED OF ARRANGING FOR AN AAA-TYPE INTERCEPTION OF THE
FPA OFFICERS TRANSPORTING SCHNEIDER, WITH A VIEW TOWARDS
ASSASSINATING HIM BEFORE ALLOWING HIM TO GO FREE.

THE PLAN TO DELIVER SCHNEIDER TO ANOTHER COUNTRY,
MAKING IT APPEAR THAT HE HAD ARRIVED THERE DURING THE WEEK,
FEEL THROUGH BECAUSE NO COUNTRY WITHIN CONVENIENT FLYING
DISTANCE OF BUENOS AIRES WOULD AGREE TO SUCH AN OPERATION.
THEREFORE, SCHNEIDER HAD TO BE FLOWN OUT ON COMMERCIAL
AIRCRAFT AS REPORTED IN THE NEWS MEDIA.

FROM THE FOREGOING IT IS OBVIOUS THAT FPA CHIEF
MARGARIDE LIED TO THE AMBASSADOR DURING THEIR MEETING ON
3/4/75, WHEN HE INDICATED THAT THE ARGENTINE JUDICIARY AND
ONLY THE ARGENTINE JUDICIARY WAS RESPONSIBLE FOR SCHNEIDER'S
RELEASE FROM CUSTODY. UNQUOTE
HILL

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